

September 10, 2007

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *In re Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act; Sunset of Exclusive Contract Prohibition*; MB Dkt No. 07-29

Dear Ms. Dortch:

On September 7, 2007, Harold Akselrad and Thomas Woodbury of Home Box Office, Inc., Steven Teplitz of Time Warner Inc., and Justin Lilley of TeleMedia Policy Corp. (collectively, "HBO") met with Chairman Kevin J. Martin and his Chief of Staff, Daniel Gonzalez, regarding the above-captioned proceeding.

HBO pointed out that expanded discovery as a matter of right in program access complaints would not only be harmful, because it would encourage MVPDs to engage in "fishing expeditions" to learn the details of their competitors' carriage contracts, but it is entirely unnecessary. Where discovery is warranted, the Commission has "provide[d] the staff with flexibility to assess each case and order discovery accordingly."¹ Thus, the Commission already has the authority under its existing rules to obtain all the documents it deems necessary in program access disputes.

HBO urged the Commission to reject proposals for a standstill requirement because such a requirement would increase the likelihood of program access complaints and decrease the chances that parties will resolve their disputes at the bargaining table. In addition, it would be difficult to determine which terms of an expired carriage agreement would be operative during a standstill, particularly for

¹ *Implementation of Sections 12 and 19 of the Cable Television Consumer Protection and Competition Act of 1992 - Development of Competition and Diversity in Video Programming Distribution and Carriage*, Report and Order, 8 FCC Rcd 3359, ¶¶ 135-136 (1993).

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the types of complex agreements that typically govern the relationship between MVPDs and premium networks such as HBO.

The discussions during each of these meetings were consistent with the reply comments filed by Time Warner Inc. in the above-captioned proceeding.

Please contact me with any questions regarding this matter.

Sincerely,

/s/ Michael H. Hammer
Michael H. Hammer
Counsel for Home Box Office, Inc.

cc: Chairman Kevin J. Martin
Daniel Gonzalez